

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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: 03 MDL 1570 (GBD) (FM)

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This Document Relates to

Havlish v. bin Laden,

03 Civ. 9848 (GBD) (FM)

**REQUEST FOR INTERNATIONAL JUDICIAL
ASSISTANCE (LETTERS ROGATORY) FOR THE SERVICE
OF JUDICIAL DOCUMENTS IN A CIVIL MATTER BY THE UNITED
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

The United States District Court for the Southern District of New York (the "Court") presents its compliments to the appropriate judicial authority of the Islamic Republic of Iran ("Iran") and requests international judicial assistance to obtain service of a judgment issued by this Court. This Court respectfully requests that the Islamic Republic of Iran recognize Letters Rogatory from this Court, in the interests of comity.

I. REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

A. Sender

The Honorable George B. Daniels, United States District Judge for the Southern District of New York, United States of America, is the Sender.

B. Receiving Authority

The Receiving Authority is the appropriate judicial authority for the Islamic Republic of Iran in Tehran, Iran.

II. LETTERS ROGATORY REQUIREMENTS

A. Request for Assistance

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of Iran effect service of process of the Order and Judgment in *Havlisch et. al v. bin Laden, et al.* entered on October 12, 2012, by The Honorable George B. Daniels of the United States District Court for the Southern District of New York, United States of America. The Court requests that the below named individuals and entities be served with the Order and Judgment and other documents relevant to this litigation, in both English and Farsi, including instructions on how to appeal the Order and Judgment:

- (1) Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran;
- (2) Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran;
- (3) National Iranian Tanker Corporation;
- (4) National Iranian Oil Corporation;
- (5) National Iranian Gas Corporation;
- (6) National Iranian Petrochemical Company;
- (7) Iran Airlines aka Iran Air;
- (8) Hezbollah.

B. Requesting Judicial Authority

The Honorable George B. Daniels
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

C. Receiving Judicial Authority

For service upon:

The appropriate judicial authority of Iran, and/or:

H.E. Ali Akbar Salehi, Ph.D.
Ministry of Foreign Affairs
Imam Khomeini Street
Tehran
Islamic Republic of Iran
Tel: 009821 61151
Fax: 009821 66743149

D. Names and Addresses of the Parties and Their Representatives

1. Plaintiffs

Plaintiffs in this lawsuit, *Havlisch et. al v. bin Laden et al.*, are 47 Estates of those murdered as a result of the terrorist attacks of September 11, 2001, and 110 family members of those killed. Plaintiffs brought this action pursuant to the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A.

2. Plaintiffs' Representatives

The victims of the terrorist attacks of September 11, 2011, and their families, are represented by counsel. For purposes of this Letters Rogatory, Plaintiffs have appointed the following attorneys to serve as their representatives:

Thomas E. Mellon, III, Esquire
James P. McCoy, Esquire
MELLON & WEBSTER, P.C.
87 North Broad Street
Doylestown, PA 18901
United States of America

Dennis G. Pantazis, Esquire
Melina Goldfarb, Esquire
WIGGINS CHILDS QUINN
& PANTAZIS LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
United States of America

Timothy B. Fleming, Esquire
WIGGINS CHILDS QUINN
& PANTAZIS PLLC
1850 M Street, NW, Suite 720
Washington, DC 20036
United States of America

Robert M. Foote, Esquire
Craig S. Mielke, Esquire
FOOTE, MIELKE, CHAVEZ
& O'NEIL, LLC
10 West State Street, Suite 200
Geneva, IL 60134
United States of America

Richard D. Hailey, Esquire
Mary Beth Ramey, Esquire
RAMEY & HAILEY
9333 North Meridian Street, Suite 105
Indianapolis, IN 46260
United States of America

3. Defendants

The Defendants in this action are the following persons and entities: Islamic Republic of Iran; Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran; Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran; Ministry of Information and Security; Islamic Revolutionary Guard Corps; Ministry of Petroleum; National Iranian Tanker Corporation; National Iranian Oil Corporation; National Iranian Gas Company; National Iranian Petrochemical Company; Iran Airlines; Ministry of Economic Affairs and Finance; Ministry of Commerce; Ministry of Defense and Armed Forces Logistics; Central Bank of the Islamic Republic of Iran; Hezbollah; Estate of Osama bin Laden; and al-Qaeda. All of the Iranian entities have been adjudged to be political or military subdivisions of Iran, and/or agencies and instrumentalities of Iran, and are therefore equivalent to Iran for purposes of this

action. Both Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran and Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran, have been adjudged as an “official, employee, or agent of [Iran] . . . acting with the scope of his or her office, employment, or agency” and therefore, Khamenei and Rafsanjani are legal equivalents to Defendant Iran for purposes of the FSIA which authorizes against a cause of action against them to the same extent as it does a cause of action against the “foreign state that is or was a state sponsor of terrorism” itself. 28 U.S.C. §1605A(c).

The Court’s Findings of Fact and Conclusions of Law were entered by The Honorable George B. Daniels, U.S. District Court for the Southern District of New York, United States of America on December 22, 2011. They are Document No. 294, Docket No. 1:03-cv-09848.

E. Nature and Purpose of the Proceedings

Havlish, et al. v. bin Laden, et al. is a civil lawsuit commenced under the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A. The purpose is to hold responsible those foreign sovereigns, entities and persons responsible for planning, executing, and provided material support and assistance to al-Qaeda in carrying out the terrorist attacks of September 11, 2001, upon the United States. A default judgment as to liability was entered on December 21, 2011, against all named Defendants who planned, executed, and provided material support and assistance to al-Qaeda in carrying out the attacks. An Order and Judgment was entered on October 12, 2012, against all named Defendants in the amount of one billion, three hundred sixty-two million, two hundred seventy-seven thousand, eight hundred eighty-four United States dollars (\$1,362,277,884) in compensatory damages and four billion, six hundred eighty-six million, two hundred thirty-five thousand, nine hundred twenty-one United States dollars (\$4,686,235,921) in punitive damages. The total award is six billion, forty-eight million,

five hundred thirteen thousand, eight hundred and five United States dollars (\$6,048,513,805). Plaintiffs must serve the Order and Judgment upon the eight (8) Iranian Defendants named in this Letters Rogatory and apprise these persons and entities of their right of appeal.

F. Fees and Costs

Plaintiffs do not anticipate any fees and costs for service of the judgment. Plaintiffs will reimburse the Islamic Republic of Iran for any reasonable copying costs and postage associated with service of the judgment.

G. Reciprocity

This Court expresses its sincere willingness to provide similar assistance to the Islamic Republic of Iran, if future circumstances so require.

III. CONCLUSION

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory seeking service of the judicial documents described herein, through the appropriate judicial authority of Iran.

Date: _____

The Honorable George B. Daniels
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

SEAL OF THE UNITED
STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK: